

GOVERNMENT OF TELANGANA  
ABSTRACT

Tribal Welfare Department - Revision Petition filed by late Gantla Venkataiah S/o.Veeraiah, R/o Nagaram (V), Kotha colony, Palvancha, Palvancha Mandal, Khammam District now Bhadradi Kothagudem District against the orders in CMA No.18/96, dated 16.10.2001 of the Agent to Government & Collector, Erstwhile Khammam district – Revision Petition Dismissed - Orders – Issued

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TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 31

Dated: 24-07-2023.  
Read the following:-

1. Revision Petition filed by Sri Gantla Venkataiah S/o.Veeraiah, R/o.Nagaram (V), Kotha colony, Palvancha, Khammam District now Bhadradi Kothagudem District dated 23-01-2002.
2. Govt.Memo.No.1419/LTR-2/2002-1, dated 18-03-2002.
3. Govt. Letter No.1419/LTR-2/2002-2, dated 18.03.2002.
4. Orders of the Hon'ble High Court of Judicature of Andhra Pradesh at Hyderabad in WP No. 7564 of 2002, dated 22.4.2002.
5. From the District Collector, Khammam District. Lr.Rc.No.F2/CMA-18/2001 dated 24-07-2007.
6. Govt.Memo.No.1419/LTR-2/2002, dated 3.09.2007, 6.11.2007, 12-02-2008 & 22.06.2009.
7. Govt.Memo.No.1419/LTR-2/2002, dated 24.01.2013.
8. Govt.Letter No.1419/LTR-2/2002, dated 15-06-2017, 09.10.2017, 12.12.2017, 03.01.2018, 02.02.2018, 19.04.2018, 6.06.2018, 28.07.2018, 26.11.2019, 20.12.2019, 14.02.2020 & 13.10.2020.

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ORDER:-

In the reference 1<sup>st</sup> read above, Sri Gantla Venkataiah S/o.Veeraiah, R/o Nagaram (V), Kotha colony, Palvancha, Khammam District now Bhadradi Kothagudem District has filed Revision Petition before the Government aggrieved by the orders of the Agent to Government, Erstwhile Khammam district in CMA No.18/96, dated 16.10.2001 in respect of land in Sy.No.31/17 admeasuring Acs.4.20 gts at Rangapuram village of Palvancha Mandal, Khammam District now Bhadradi Kothagudem District.

2. In the reference 2<sup>nd</sup> & 3<sup>rd</sup> read above, Government have rejected Stay on the orders of the Agent to Government, Khammam District as there were no valid reasons and sent a copy of the Revision Petition of the Petitioner to the Agent to Govt./Collector, Khammam district to send parawise remarks and connected records.

3. The Revision Petitioner had also filed WP No.7564 of 2002 before the Hon'ble High Court of Judicature of Andhra Pradesh at Hyderabad, wherein the Hon'ble Court had disposed the Writ Petition on 22.4.2002 in the reference 4<sup>th</sup> read above, making the following order:

"I have heard the learned Assistant Government Pleader for Social Welfare, who is not able to say whether possession of the land was taken pursuant to the orders passed by the second respondent. Therefore, it would be in the interest of justice to order status quo as to possession as on today and also direct the Government to dispose of the revision petition filed by the petitioner within a period of eight weeks from the date of receipt of a copy of this Order. It is however made clear that if the petitioner has already been dispossessed and the tribals are assigned the land in question, the same shall be subject to the orders on the revision petition. The Writ Petition is disposed of accordingly at the admission stage".

4. In the references 5<sup>th</sup> and 7<sup>th</sup> read above, the case was called on 07.12.2019 through notice, the Counsel for Revision Petitioner was present and prayed for adjournment on the same cause without making any efforts to bring the LRs of the Petitioner on record. However, when the case was called on 7.11.2020, Notices were served on the LRs of the Petitioner and Tribal Respondent.

(Contd...2)

5. Government have conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Agent to Government observed that;
6. Case called on 7.11.2020. LRs of Petitioner, Respondent who acknowledged Notices were called absent. Counsel for petitioner called absent. Deputy Tahsildar, Palvancha present with record.
7. Case was previously called on:

20.11.2007	..	Petitioner and his Counsel Sri Palivela Satyarajababu present. Counsel prayed for time for submission of Written Arguments.
15.07.2017	..	Counsel sought adjournment.
21.10.2017	..	Adjourned.
23.12.2017	..	Adjourned.
20.01.2018	..	Petitioner and his Counsel called absent. Adjourned.
24.02.2018	..	Petitioner and his Counsel called absent. Adjourned.
28.04.2018	..	Petitioner and his Counsel called absent. Adjourned.
30.06.2018	..	Petitioner and his Counsel called absent. Adjourned.
04.08.2018	..	Adjourned.
07.12.2019	..	Counsel for Petitioner present.
04.04.2020	..	Petitioner and his Counsel called absent. Adjourned.
8. Perused the record.
9. As per orders of Special Deputy Collector (TW) Palvancha in LTR case No.225/90/PLW, dated 15.10.1990:
  - i. Case was initiated in 1990 on a representation made by Bhukya Tavuriya as Petitioner and Gantala Venkataiah as Respondent. After due enquiry, the case was dismissed on 15.10.1990 observing that the schedule land is Government land assigned to a tribal and hence the court has no jurisdiction to entertain the petition in respect of Government assigned land.
  - ii. LTR case Nos.27,28,29/92/Pal were initiated on the report of Special Revenue Inspector (CAP), Palvancha. Bhukya Thavuriya was petitioner and Gantala Veera Chary, Gantala Guru Brahmam, Gantala Naga Chary (all sons of Gantala Venkataiah) were Respondents. This case was dismissed on the principles of resjudicata as the previous case No.225/90/PLW was decided by the court in the same matter.
  - iii. LTR case No.884/95/Pal was initiated suo-moto. Bhukya Thavuriya was the petitioner and Gantala Venkataiah was Respondent. It was dismissed on 25.3.1996 observing that the suit land is a Government assigned land which is heritable but not alienable and the purchase has no value. The court has passed orders for ejectment of the Respondent and restore to the tribal assignee.
10. Aggrieved on the orders of Special Deputy Collector (TW) Palvancha dated 25.03.1996, the Revision Petitioner Sri Gantala Venkataiah S/o Veeraiah R/o Nagaram village of Kotha Colony, Palvancha, Palvancha Mandal, Khammam District now Bhadradi Kothagudem District had filed statutory appeal before the Agent to Government, Khammam in CMA No.18/96 and it was dismissed on 16.10.2001 against the Appellant directing the Mandal Revenue Officer, Palvancha to take the land into Government possession and assign to eligible tribals as per rules, since the suit land is Government land, the principle of Res-judicata does not operate and that the Appellant found came into possession of schedule land only after Regulation I of 1959 came into force w.e.f. 1.12.1963. Aggrieved this orders, the Revision Petitioner has filed the present revision petition before the Government on 23.01.2002.

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11. The case is pending since 23.1.2002 i.e. for more than 20 years. On examination of evidences available on record, it is found that the land situated in Sy.No.32 in Rangapuram (v) of Palvancho Mandal is recorded as Sarkari Porambok (Government land) but purchased by the Revision Petitioner through sada sale deed dated 4.5.1975 from a non-tribal viz., T.Narasimha Rao who was under illegal encroachment. One Bhukya Thavuriya had managed and got assignment of this land erroneously in his favour but never in possession and enjoyment. Further, he had already shifted his family to another village called Thoggudem in the same Palvancho Mandal where he was assigned acs.3.15 in Sy.No.48/2 – hence, he is not eligible for restoration of the land in his favour though he is Scheduled Tribe. The Revision Petitioner G.Venkataiah was recorded as encroacher for an extent of acs.4.00 against Sy.No.32 in the years 1977-78, 1979-80 as per B Memo record, LR receipts are found fabricated and contrary to the purchase of land. Thus, the petitioner came into possession of land only after Regulation I of 1959 came into force w.e.f. 1.12.1963 – according to the said provisions, Government land cannot be assigned to Non-tribes in the Agency Area and the petitioner is liable for eviction.

12. The Hon'ble High Court of Andhra Pradesh at Hyderabad in WP No.2195 of 2000 decided on 9.8.2007 held that even if the land is classified as Gayalu/ Government Poramboke Land, the person who is in possession of such land must be said to be dealing with such immovable property and therefore, the same falls within the scope of "Transfer" as defined under Section 2 (g) of the Regulation and therefore, the Regulation I of 1959 as amended by Regulation I of 1970, applies. Therefore, the Appellate authority has considered arrived at the finding correctly.

13. Government, after careful examination of the matter and do not find any reason to interfere with the orders passed by the Agent to Government, Erstwhile Khammam District in CMA No.18 of 1996, dated 16.10.2001 and accordingly upheld the same and hereby dismiss the Revision Petition filed by Sri Gantla Venkataiah S/o.Veeraiah, R/o.Nagaram (V), Kotha colony, Palvancho, Khammam District now Bhadradi Kothagudem District.

14. The Agent to Government and Collector, Bhadradi Kothagudem District shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU,  
SECRETARY TO GOVERNMENT.

To

The Agent to Govt. & District Collector, Bhadradi Kothagudem District (By RPAD)

The Special Deputy Collector (TW), Bhadrachalam,

Bhadradi Kothagudem District (By RPAD)

LRs of Gantala Venkataiah, S/o.Veeraiah, (Died) R/o. Nagaram (V),

Kotha Colony, Palvancho (M), Bhadradi Kothagudem District.

(Through the Tahsildar, Palvancho Mandal ) (By RPAD)

LRs of Bhukya Thavuriya S/o Somla, R/o Thoggudem (V) Palvancho (M),

Bhadradi Kothagudem District.

(Through the Tahsildar, Polvoncho Mandal ) (By RPAD)

Copy to:

The Agent to Govt. & District Collector, Khammam District

Sri MR.Palivela Satyarajababu, Advocate, H.No.1-4-280, Plot No.121,  
Road No.10, New Maruthi Nagar East, Kothapet, Hyderabad-500035,

(Advocate for Petitioner) (By RPAD)

The Tahsildar Polvancho Mandal,

Bhadradi Kothagudem District. (Serve the copy to the concerned parties  
and submit the dated acknowledgement to Govt.) (By RPAD)

The P.S to M(STW)

The P.A to Secretary(TW)

The P.A to Spl.Secretary (TW).

SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER.